

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

IN RE: MARK A SELLERS III
Debtor.

Case No. 20-02619-jwb
Chapter 11
Honorable James W. Boyd
/ U.S. Bankruptcy Judge

ORDER AND NOTICE OF CLAIMS BAR DATE

PRESENT: HONORABLE JAMES W. BOYD
United States Bankruptcy Judge

THIS MATTER having come before the Court upon Debtor Mark A. Sellers III's ("Debtor") Ex-Parte Motion for Order Fixing Deadlines for Filing Proofs of Claim, and the Court being fully advised in the premises:

IT IS HEREBY ORDERED THAT:

1. This Order and Notice sets the date by which claims must be filed against Debtor. All parties in interest are encouraged to review the contents of this Order and Notice carefully to determine if they hold a prepetition claim against the Debtor.
2. This order is issued in furtherance of the time deadlines set forth in the Small Business Reorganization Act, 11 U.S.C. § 1181, *et seq.*
3. General Bar Date. Except as provided in Paragraphs 4 and 6 below, all entities holding claims against the Debtor that arose before August 11, 2020 (the "Petition Date") must file proofs of claim by the General Bar Date of September 30, 2020, at 5:00 PM, Eastern Time. The General Bar Date applies to all types of claims against the Debtor that arose before the Petition Date, including secured, priority (including without limitation, claims entitled to administrative or priority status under Sections 503(b)(9), 507(a)(4), or 507(a)(5) of the Bankruptcy Code), or unsecured nonpriority claims.

4. **Governmental Bar Date.** In accordance with Section 502(b)(9) of the Bankruptcy Code, proofs of claim by governmental units shall be timely filed if they are filed before 180 days after the date of the order for relief or such time as the Federal Rules of Bankruptcy Procedure may provide.

5. **Rejection Bar Date.** For any Prepetition claim relating to any effort by Debtor to reject an executory contract or unexpired lease under 11 U.S.C. § 365 ("Rejection Damages Claim"), the Claims Bar Date for a Rejection Damages Claim shall be the later of (a) the General Bar Date or (b) 30 days after the effective date of such rejection of such executory contract or unexpired lease as provided by this Order.

6. The following entities must file proofs of claim by the General Bar Date or for governmental entities, by the Governmental Bar Date:

- a. Any entity whose claim is not scheduled, or scheduled as disputed, contingent or unliquidated;
- b. Any entity that believes its prepetition claim is improperly classified in the Debtor's schedules or is listed in an incorrect amount and that desires to have its claim allowed in a classification or amount different from the classification or amount identified in the schedules.

7. The following entities whose claims otherwise would be subject to the General Bar date, the Governmental Bar Date, or the Rejection Bar Date need not file proofs of claim:

- a. Any entity that has already filed a signed proof of claim against the Debtor in a form substantially similar to the Official Bankruptcy Form Number 410 with the Clerk of the Court;
- b. Any entity (i) whose claim against the Debtor is not listed as disputed, contingent, or unliquidated in the Debtor's schedules and (ii) who agrees with the nature, classification and amount of its claim as identified in the Debtor's schedules;

- c. Any entity whose claim arises as a result of Fed. R. Bankr. P. 3003(c) and 3002(c)(2), (c)(3), (c)(4), and (c)(6).

8. This Order does not apply to administrative claims pursuant to 11 U.S.C. § 503, except that it does apply to administrative claims pursuant to 11 U.S.C. § 503(b)(9) as provided in paragraph 1.

9. Any proof of claim filed pursuant to this Order shall be validly and properly signed and submitted with appropriate supporting documentation in accordance with applicable rules so that it is actually received by the Court by the applicable Bar Date. A proof of claim shall be deemed filed when actually received by the Court. A proof of claim may be filed electronically by visiting the Court's website, www.miwb.uscourts.gov (a login and password is not required) or by mailing the proof of claim to U.S. Bankruptcy Court, One Division Ave. N., Room 200, Grand Rapids, MI 49503.

10. Any entity that is required to file a proof of claim in Debtor's Chapter 11 bankruptcy proceeding but fails to do so in a timely manner shall forever be barred, estopped, and enjoined from asserting any prepetition claim against Debtor and Debtor and its property shall forever be discharged from any and all indebtedness or liability with respect to such a prepetition claim.

11. Debtor shall serve

- a. this Order and Notice of Claims Bar Date, and
- b. a proof of claim form, Official Bankruptcy Form Number 410, together with the official instructions for Proof of Claim (Official Form 410) upon all parties in interest listed on the mailing matrix in this case by first class United States mail no later than September 4, 2020.

12. The parties should consult the Court's website, <https://www.miwb.uscourts.gov/covid-19-notices>, for information concerning court appearances given the COVID-19 national emergency.

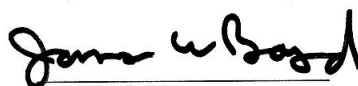
END OF ORDER

Prepared by:
John T. Piggins (P34495)
Miller Johnson
45 Ottawa Ave
Grand Rapids, MI 49503
(616) 831-1793

IT IS SO ORDERED.

Dated August 19, 2020




James W. Boyd
United States Bankruptcy Judge